

December 8, 2017

Mr. Paul Stambach
New Vision Construction Inc.
1992 Arlington Mill Road
Union Bridge, MD 21791

Re: Suburban Club Golf Course
7600 Park Heights Avenue
Forest Conservation Variance
Tracking # 02-17-2622

Dear Mr. Stambach:

A request for a variance from the Baltimore County Code Article 33 Environmental Protection and Sustainability, Title 6 Forest Conservation was received by this Department on December 6, 2017. This request proposes to base the afforestation required by Section 33-6-111 of the Forest Conservation Law on the 2,100 square foot limit of disturbance rather than the entire 130-acre golf course property. The proposed project involves constructing a pole barn over existing gravel. There are no proposed impacts to forest, specimen trees, wetlands, or streams onsite.

The Director of EPS may grant a special variance to the Forest Conservation Law in accordance with criteria outlined in Section 33-6-116(d)(1) of the Code. There are six (6) criteria listed in Subsection 33-6-116(d) and (e) that shall be used to evaluate the variance request. One (1) of the criteria under Subsection 33-6-116(d) must be met, and all three (3) of the criteria under Subsection 33-6-116(e) must be met, in order to approve the variance.

The first criterion (Subsection 33-6-116(d)(1) of the Code) requires the petitioner show the land in question cannot yield a reasonable return if the requirement from which the special variance is requested is imposed and will deprive the petitioner of beneficial use of his property. The applicant is seeking to make improvements to a golf course facility that has existed prior to the effective date of the Forest Conservation Law. These improvements are necessary to properly maintain the golf course. Full application of the law to the entire property would result in unwarranted hardship to the applicant in this case, and we find that this criterion has been met.

The second criterion (Subsection 33-6-116 (d)(2) of the Code) requires that the petitioner show that his/her plight is due to unique circumstances and not the general conditions of the neighborhood. The petitioner's plight is due to unique circumstances associated with the small size of the proposed development activity in relation to the large

golf course rather than general conditions in the neighborhood. Therefore, we find the second criterion has been met.

The third criterion (Subsection 33-6-116(d)(3) of the Code) requires that the petitioner show that the special variance requested will not alter the essential character of the neighborhood. Less than 0.1 acre of the 130-acre property would be disturbed for the minor improvements and is in keeping with the golf course that has been part of this community for many years. Therefore, we find that this criterion has been met.

The fourth criterion (Subsection 33-6-116(e)(1) of the Code) requires that the granting of the special variance will not adversely affect water quality. We have determined that there are no wetlands, streams or floodplains near the proposed golf facility. In addition, the proposed plan will not impact any forest. Therefore, we find that granting of the special variance will not adversely affect water quality and that this criterion has been met.

The fifth criterion (Subsection 33-6-116(e)(2) of the Code) requires that the special variance request does not arise from a condition or circumstance that is the result of actions taken by the petitioner. The petitioner has not taken any actions on the property prior to requesting this variance. Therefore, this criterion has been met.

The sixth criterion (Subsection 33-6-116(e)(3) of the Code) requires that the Director of EPS find that the special variance, as granted, would be consistent with the spirit and intent of Article 33 of the Baltimore County Code. Reducing the afforestation obligation based on limit of disturbance for the proposed minor improvements to an existing golf course would be consistent with the spirit and intent of the Forest Conservation Law. This is especially true given the minor scope of the project and the fact that no impacts to forest, specimen trees, or water quality would result from the proposed development. Therefore, this criterion has been met.

Based on our review, this Department finds that all of the above criteria have been met. Furthermore, the associated forest conservation worksheet reveals that the 0.1-acre limit of disturbance does not result in an afforestation requirement, as worksheet figures are rounded to the nearest tenth acre. Therefore, the requested variance is hereby approved in accordance with Section 33-6-116 of the Baltimore County Code with the condition that this variance approval does not exempt future development activities at this site from compliance with Baltimore County's Forest Conservation Law.

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout may require submittal of revised plans and a new variance request.

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Please have the appropriate representative of Suburban Club sign the statement below and return a signed copy of this letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans for this project.

If you have any questions regarding this correspondence, please call Mr. Glenn Shaffer at (410) 887-3980.

Sincerely yours,

David V. Lykens
Deputy Director

DVL/ges

c. Suburban Club

I/we agree to the above conditions to bring my/our property into compliance with Baltimore County's Forest Conservation Law.

Suburban Club Representative

Date

Printed Name